

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

_____	:	
	:	CASE NO. 4:21-cr-00564
UNITED STATES,	:	
	:	ORDER
Plaintiff,	:	[Resolving Doc. 42]
	:	
v.	:	
	:	
LEONARD ELLIS,	:	
	:	
Defendant.	:	
_____	:	

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Leonard Ellis pled guilty to one count of felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2).<sup>1</sup>

On March 2, 2022, the Court sentenced Defendant Ellis to fifty-six months imprisonment, with credit for time served, to be followed by three years of supervised release.<sup>2</sup> At Ellis's sentencing, the Court found that Ellis had six criminal history points for prior convictions and two status points for committing the offense while under a criminal justice sentence. The Court found Ellis had a Criminal History Category of IV.<sup>3</sup> With an offense level of 21, Defendant Ellis had a guideline sentencing range of fifty-seven to seventy-one months' imprisonment.<sup>4</sup> The Court sentenced Ellis to a sentence slightly lower than the Guidelines lower range.

<sup>1</sup> Doc. 1, PageID #1; Doc. 18, PageID #: 41.

<sup>2</sup> Doc. 35, PageID #: 162.

<sup>3</sup> *Id.* at PageID#: 150.

<sup>4</sup> *Id.* at PageID# 161, 162.

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Defendant Ellis now moves to reduce his sentence under 18 U.S.C. § 3582(C)(2) and United States Sentencing Guideline Amendment 821.<sup>5</sup> He asks for a reduction to forty-six months, the lower end of his presumptive new guidelines range.<sup>6</sup> The government does not oppose Ellis's proposed reduction to forty-six months.<sup>7</sup>

For the following reasons, the Court **GRANTS** Defendant Ellis's sentence reduction motion and sentences Defendant Ellis to **forty-six (46) months**.

### I. LEGAL STANDARD

"Generally speaking, once a court has imposed a sentence, it does not have the authority to change or modify that sentence unless such authority is expressly granted by statute."<sup>8</sup> However, the Court may reduce a sentence under 18 U.S.C. § 3582(c)(2) if the Court based the original sentence "on a sentencing range that has subsequently been lowered by the Sentencing Commission."<sup>9</sup> The Court must consider whether the "authorized reduction is warranted, either in whole or in part, according to the factors set forth in [18 U.S.C.] § 3553(a)."<sup>10</sup>

Any reduction must also be "consistent with the applicable policy statements issued by the Sentencing Commission."<sup>11</sup> In reducing a defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2), the Court "shall substitute only the amendments listed in [§ 1B1.10(d)] for the corresponding guideline provisions that were applied when the defendant was sentenced and shall leave all other guideline application decisions unaffected."<sup>12</sup>

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<sup>5</sup> Doc. 42, PageID #: 178.

<sup>6</sup> *Id.* at PageID #: 179-80.

<sup>7</sup> Doc. 43, PageID #: 184.

<sup>8</sup> *United States v. Alexander*, 951 F.3d 706, 707 (6th Cir. 2019); 18 U.S.C. § 3582(c).

<sup>9</sup> 18 U.S.C. § 3582(c)(2).

<sup>10</sup> *Dillon v. United States*, 560 U.S. 817, 826 (2010) (citing U.S. Sent'g Guidelines Manual § 1B1.10 (U.S. Sent'g Comm'n 2015)).

<sup>11</sup> *Id.*

<sup>12</sup> U.S. Sent'g Guidelines Manual § 1B1.10(b)(1) (U.S. Sent'g Comm'n 2023).

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Pursuant to Amendment 825, the Sentencing Commission amended § 1B1.1(d) to include Amendment 821 in the list of retroactive amendments.

## II. DISCUSSION

Effective November 1, 2023, United States Sentencing Guidelines Amendment 821(A) eliminates “status points” for defendants with six or fewer criminal history points.<sup>13</sup>

Amendment 821(A) reduces Defendant Ellis’s Criminal History Category from IV to III. Ellis’s amended sentencing guideline range is forty-six to fifty-seven months. So, Defendant Ellis was earlier sentenced to a term of imprisonment based on a sentencing range that the Sentencing Commission has subsequently lowered.

The 18 U.S.C. § 3553(a) factors weigh in favor of reducing Defendant Ellis’s sentence to forty-six months. Factors like those applied at Ellis’s initial sentencing also apply at this time.

At his original sentencing, Defendant Ellis had only recently been released from a sentence following a felonious assault conviction. He also has a number of other adult convictions.<sup>14</sup> The instant offense involved a firearm in close proximity to drugs and a scale.<sup>15</sup>

Defendant Ellis had a relatively positive upbringing with an aunt, although his mother suffered from substance abuse issues and his father was absent.<sup>16</sup> He had gainful employment prior to the instant offense, but suffered from substance abuse issues.<sup>17</sup>

When Defendant Ellis was sentenced, the average sentence of a defendant with a Criminal History Category IV and offense level of twenty-one was fifty-six months; the

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<sup>13</sup> *Id.*, § 4A1.1e.

<sup>14</sup> Doc. 35, PageID #: 161.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at PageID #: 162.

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median sentence was fifty-seven months.<sup>18</sup> The Court notes that it previously sentenced Defendant Ellis at one month below the previous guideline range.

As a result, the Court finds it appropriate to reduce Defendant Ellis's sentence to forty-six months, at the lower end of the amended guideline range of forty-six to fifty-seven months.

### III. CONCLUSION

For the foregoing reasons, the Court **GRANTS** Defendant Ellis's motion and **REDUCES** Defendant Ellis's sentence to **forty-six (46) months**. Except as otherwise provided in this order, all other terms of Ellis's original sentence remain in effect.

IT IS SO ORDERED.

Dated: July 16, 2024

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>18</sup> *Id.*